

## REMARKS

Claims 1-34 are pending in the claims. Claims 1, 9, 13, 17, 26, 28, 33, and 34 have been amended. Claims 11-12, 14, 25, 27, and 30 have been cancelled. No new claims have been added. Therefore, after entry of the above amendments, claims 1-10, 13, 15-24, 26, 28-29, and 31-34 will be pending in this application. Applicant believes that the claims are in condition for allowance, which prompt and favorable action is respectfully requested.

### **I. CLAIM REJECTIONS UNDER 35 U.S.C. § 101**

Examiner rejected claim 34 because it is directed to non-statutory subject matter. Specifically, Examiner rejects claim 34's preamble. Applicant has amended Claim 34 to claim statutory subject matter. Thus, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 101.

### **II. DOUBLE PATENTING**

Examiner provisionally rejected claims 1-3, 11, 14, 17-19, 27, 30, 33, and 34 on the grounds of nonstatutory obviousness-type double patenting in view of copending application 10/775,971. The present application 10/729,337 and the copending application 10/775,971 were commonly owned at the time the present invention was made. Applicant has filed a terminal disclaimer in compliance with 37 CFR 3.73 (b) in order to overcome the rejection. Applicant respectfully requests the removal of the nonstatutory double patent rejection on claims 1-3, 11, 14, 17-19, 27, 30, 33, and 34.

### **III. REJECTION UNDER 35 U.S.C. § 103**

#### **A. CLAIMS 1-13, 15-25, 27-28, and 31-34**

The Examiner rejected claims 1-13, 15-25, 27-28, and 31-34 under 35 U.S.C. § 103 as being unpatentable over Habetha U.S. Patent Publication No. 2003/0125066 (hereinafter "Habetha") in view of Kwan et al. U.S. Patent Publication No.

2003/0081692 (hereinafter “Kwan”). Applicant has amended the claims in order to more clearly claim the subject matter and overcome the rejection.

Neither Habetha nor Kwan describes “selecting from a piconet of terminals a plurality of terminal pairs ... constructing a piconet topology map, the piconet topology map comprising coordinate information concerning the terminal pairs ... obtaining path loss information for the terminal pairs, the path loss information comprising: available path loss information and estimated path loss information, the estimated path loss information being based upon the piconet map ... scheduling simultaneous signal transmissions from each of the transmitting terminals to its corresponding receiving terminal based upon the path loss information ...” as Claim 1 now recites.

Thus, neither Habetha nor Kwan independently or combined teach or disclose all of the limitations of the present application. Therefore, Claim 1 is patentable. Amended claims 17, 33, and 34 contain similar limitations as to Claim 1, and for at least the same reasons as stated for Claim 1, claims 17, 33, and 34 are patentable.

Claims 2-10, 13, and 15-16 depend from patentable independent claims, and for at least the same reasons as stated for the independent claims, claims 11, 16, 19-20, and 26 are patentable based on their dependency to patentable claims and other novel features contained therein.

Therefore, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §103.

#### **B. CLAIMS 14 and 30**

The Examiner rejected claims 14 and 30 under 35 U.S.C. §103 as being unpatentable over Habetha U.S. Patent Publication No. 2003/0125066 (hereinafter “Habetha”) in view of Kwan et al. U.S. Patent Publication No. 2003/0081692 (hereinafter “Kwan”) and in further view of Larsson et al. U.S. Patent Publication No. 2003/0161268 (hereinafter “Larsson”). Applicant has amended the claims in order to more clearly claim the subject matter and overcome the rejection.

Neither Habetha, Kwan, nor Larsson describes “selecting from a piconet of terminals a plurality of terminal pairs ... constructing a piconet topology map, the piconet topology map comprising coordinate information concerning the terminal pairs ...

obtaining path loss information for the terminal pairs, the path loss information comprising: available path loss information and estimated path loss information, the estimated path loss information being based upon the piconet map ... scheduling simultaneous signal transmissions from each of the transmitting terminals to its corresponding receiving terminal based upon the path loss information ..." as Claim 1 now recites.

Thus, neither Habetha, Kwan, nor Larsson independently or combined teach or disclose all of the limitations of the present application. Therefore, Claim 1 is patentable. Amended claim 17 contains similar limitations as to Claim 1, and for at least the same reasons as stated for Claim 1, claim 17 is patentable. Claims 14 and 30 have been cancelled.

Therefore, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §103.

## CONCLUSION

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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